

TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire H26102JHD6FD	POUR SUITE À DONNER		Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2005/000628	Date du dépôt international (<i>jour/mois/année</i>) 16 March 2005 (16.03.2005)	Date de priorité (<i>jour/mois/année</i>) 19 March 2004 (19.03.2004)	
Classification internationale des brevets (8 ^e édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237			
Déposant GREEN TECHNOLOGIES SARL			

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 8 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- | | | |
|-------------------------------------|---------------|---|
| <input checked="" type="checkbox"/> | Cadre n° I | Base de l'opinion |
| <input type="checkbox"/> | Cadre n° II | Priorité |
| <input type="checkbox"/> | Cadre n° III | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle |
| <input type="checkbox"/> | Cadre n° IV | Absence d'unité de l'invention |
| <input checked="" type="checkbox"/> | Cadre n° V | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input type="checkbox"/> | Cadre n° VI | Certains documents cités |
| <input type="checkbox"/> | Cadre n° VII | Certaines irrégularités relevées dans la demande internationale |
| <input type="checkbox"/> | Cadre n° VIII | Certaines observations relatives à la demande internationale |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 338 82 70	Date d'établissement du présent rapport 01 November 2006 (01.11.2006) Fonctionnaire autorisé <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Beate Giffo-Schmitt</div> e-mail: pt03@wipo.int
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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

H26102JHD6FD

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FR2005/000628

International filing date (day/month/year)

16.03.2005

Priority date (day/month/year)

19.03.2004

International Patent Classification (IPC) or both national classification and IPC

A21D2/04, A21D8/02, A21C1/10

Applicant

GREEN TECHNOLOGIES SARL

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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International application No.

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Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p>
2.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p>
3.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
4.	<p>Additional comments:</p>

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-15	YES
	Claims	16-18	NO
Inventive step (IS)	Claims		YES
	Claims	1-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations:

Reference is made to the following documents:

D1: FR-A-2 831 023
D2: WO93/17561
D3: GB 880 182 A
D4: DE 196 24 229 A
D5: US 2004/022917 A1
D6: XP002304447
D7: XP002304446

1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 16-18 does not meet the requirement of novelty defined in PCT Article 33(2).

- D1 describes (page 2, line 20 - page 5, line 7; page 16, lines 9-32; page 19, lines 1-2; and claims 1, 5, 6, 11) a vacuum kneading process with the introduction of an oxygen-containing gas, and also a device for implementing this process, comprising a chamber-shaped enclosure designed to contain the dough, a removable cover hermetically sealing said chamber, and kneading means

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Box No. V

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citations and explanations supporting such statement

comprising a rotor. The device is characterized in that it includes gas supply means running into the enclosure.

The subject matter of claims 16 and 17 is therefore not novel.

- D2 describes (page 5, lines 1-20, example 1 and claims 1, 3-5) a method and an apparatus for mixing and kneading dough with the introduction of air or oxygen-containing gas.

The subject matter of claims 16 and 17 is therefore not novel.

- D3 describes a method and an apparatus for the continuous mixing of dough with the introduction of oxygen or air containing oxygen.

The subject matter of claims 16 and 18 is therefore not novel.

- D4 describes (column 1, line 54 - column 2, line 14, claim 1, figure 1) a device for delivering oxygen-enriched water into a kneader.

The subject matter of claim 16 is therefore not novel.

2 The present application fails to comply with the requirements of PCT Article 33(3) since the subject matter of claims 1, 6, 7, 12, 14, 15 does not involve an inventive step.

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Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- D1 describes (page 2, line 20 - page 5, line 7; page 16, lines 9-32; page 19, lines 1-2; page 20, lines 22-28 and claims 1, 5, 6, 11) a vacuum kneading process with the introduction of an oxygen-containing gas, and also a device for implementing this process, comprising a chamber-shaped enclosure intended to contain the dough, a removable lid for hermetically sealing said chamber, and kneading means comprising a rotor.

The device is characterized in that it includes gas supply means running into the enclosure.

The subject matter of claims 1, 6, 7, 12, 15 differs from D1 in that the oxygen-containing gas is indicated as being ozone.

This feature has however already been used for the same purpose in similar processes, see D5, D6, D7.

It would be obvious to the person skilled in the art to apply this feature with corresponding effect to the process according to document D1, thereby arriving at a process according to claims 1, 6, 7, 12, 15.

. D5 describes (paragraph 14, claims 1, 8, 17, 18) a method of preparing dough with the introduction during the mixing and kneading of an oxygen-rich liquid, for example by mixing with ozone.

. D6 describes the preparation of a dough for noodles, which includes a step of mixing and kneading wheat flour, whey minerals and ozonated water.

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. D7 describes the production of bread by kneading a dough composed of flour, ozone-treated water, salt and yeast, with fermentation of this dough and then baking.

Consequently, the subject matter of claims 1, 6, 7, 12, 14, 15 does not involve an inventive step.

3 Dependent claims 2-5, 8-11, 13 do not contain any features which, in combination with the features of any one of the claims to which they refer, meet the requirements of the PCT in respect of inventive step, the reasons being as follows:

- In claims 3-5, 8-10, 13, slight constructional changes in the process of claim 1 are defined which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen.

- The features of dependent claims 2 and 11 have already been used for the same purpose in a similar process, see D5.

It would be obvious to the person skilled in the art to apply these features with corresponding effect to the process according to document D1, thereby arriving at a process according to claims 2 and 11.

. D5 describes a method of preparing dough with introduction during the mixing and kneading of an oxygen-rich liquid, for example by mixing with ozone.

Consequently, the subject matter of claims 2-5, 8-11, 13

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does not involve an inventive step.